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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SIXTH APPELLATE DISTRICT

THE PEOPLE,

Plaintiff and Respondent,

v.

EVERADRDO ORTIZ VARGAS,

Defendant and Appellant.

H043616

(Santa Cruz County

Super. Ct. No. F28807)

On September 15, 2015, defendant Everardo Ortiz Vargas pleaded no contest to stalking (Pen. Code, § 646.9, subd. (a))¹ pursuant to a plea agreement that included the dismissal of three other counts, including vandalism (§ 594, subd. (a)). The trial court suspended imposition of sentence and placed defendant on probation for three years.

At a restitution hearing held on May 26, 2016, the trial court ordered defendant to pay \$718.95, over defendant's objections: (1) that the evidence did not show defendant committed the vandalism and (2) that it was improper to impose restitution pertaining to a dismissed count. Defendant filed a notice of appeal from that order and attached a request for certificate of probable cause, which the trial court did not sign.

On appeal, we appointed counsel to represent appellant in this court. Appointed counsel filed an opening brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 and/or *People v. Serrano* (2012) 211 Cal.App.4th 496 (*Serrano*), which states the case and the

¹ All further statutory references are to the Penal Code unless otherwise indicated.

facts but raises no specific issues. As the instant appeal originates from a post-conviction proceeding and not a first appeal of right, the procedures outlined in *Serrano* are applicable.

On August 12, 2016, this court notified defendant of his right to file a supplemental brief on his own behalf. That letter was returned to this court on August 18, 2016 marked undeliverable. Despite reasonable attempts, this court has been unable to ascertain a current address for defendant. Therefore, the appeal is dismissed as abandoned. (See *Serrano, supra*, 211 Cal.App.4th at pp. 503-504.)

DISPOSITION

The appeal is dismissed.

BAMATTRE-MANOUKIAN, J.

WE CONCUR:

ELIA, ACTING P.J.

MIHARA, J.

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